

### **IN THE CLAIMS**

In accordance with 37 C.F.R. § 1.121, the following LISTING OF CLAIMS identifies the claims as "original", "currently amended", "cancelled", "withdrawn", "new" "previously presented", or "not entered" as the case may be. In accordance with the Rules, the text of cancelled and not entered claims is not presented.

## LISTING OF CLAIMS

1. (currently amended) A scabbard for holding a baton, comprising:

a carrier having a generally C-shaped recess defining a baton entry opening adapted to receive a baton inserted laterally into the recess, said carrier having a stop surface for engagement by the baton when fully inserted into the recess; and

~~at least one over-center latching mechanism~~ means supported by the carrier such ~~that~~ for cooperation with the baton when inserted laterally into the entry opening is snapped such that the baton is captured by the latching mechanism means and undergoes a snap-action movement into the ~~scabbard~~ carrier and is held in place against the stop surface ~~by the over-center latching mechanism~~ so as to releasably retain the baton within the scabbard.

2. (currently amended) The scabbard as defined in claim 1 wherein the C-shaped carrier includes upper and lower generally C-shaped framehousing portions having laterally opposed ends defining said entry opening to permit a baton of a ~~fixed~~ predetermined diameter range and of any length to be inserted laterally into said entry opening.

3. (currently amended) The scabbard of claim 2 wherein said upper and lower frame portions are disposed in parallel spaced relation, said over-center latching mechanism means being supported by and between said frame portions.

4. (currently amended) The scabbard of claim 1 wherein said over-center latching mechanism means comprises two roller assemblies, each roller assembly further including a front roller and a rear roller, each roller assembly configured to pivot relative to the carrier about a pivotal axis such that as a baton is first inserted into the scabbard, the roller assemblies pivot causing the front rollers to move apart and the rear rollers to move toward each other, and as the baton is further inserted and contacts the rear rollers, the roller assemblies snap into place

against the baton such that the front and rear rollers move toward each other and encompass a portion of the baton so as to hold and urge the baton in place against the stop surface.

5. (currently amended) The scabbard of claim 1, wherein the earrierstop surface includes a friction pad releasably attached to a back wall ~~rear wall~~ of the carrier recess such that when a baton is placed into the scabbard the baton contacts the friction ~~member~~pad.

6. (original) The scabbard of claim 7, wherein the friction ~~member~~pad is constructed of a smooth rubber.

7. (currently amended) A scabbard for releasably supporting an elongated baton member, said scabbard comprising:

a carrier having a generally C-shaped ~~cross-section~~ recess opening outwardly of the carrier and having a top and bottom, the top and bottom being open such that a different length batons of any length can be placed therein inserted laterally within the recess. said carrier having a stop surface engaged by the baton when fully inserted into the recess;

an over-center latching mechanism within the carrier<sup>[[5]]</sup> comprising two sets of roller assemblies, each roller assembly having a front roller and a rear roller pivoted together about a pivotal axis<sup>[[5]]</sup> such that as progressive lateral insertion of a baton is inserted into the scabbard<sup>[[5]]</sup> recess effects engagement with the two front rollers pivot apart, and as the baton is pushed further, against followed by engagement with the rear rollers, in a manner to cause the baton is snapped to undergo a snap-action movement into the scabbard recess and the front rollers are pivoted together to hold the baton be releasably retained in place against the stop surface; and

the over-center latching mechanism being self-adjustable such that any elongated members of different diameter pole-shaped device can be placed releasably retained within the scabbard.

8. (currently amended) ~~The~~A scabbard of claim 7, wherein the carrier comprises comprising:

a carrier having a generally C-shaped cross section, a rear wall and top and bottom, the top and bottom being open such that different length batons can be placed therein;

an over-center latching mechanism within the carrier, comprising two sets of roller assemblies, each roller assembly having a front roller and a rear roller pivoted together about a pivotal axis such that as a baton is inserted into the scabbard, the two front rollers pivot apart, and as the baton is pushed further against the rear rollers, the baton is snapped into the scabbard and the front rollers are pivoted together to hold the baton in place;

the over-center latching mechanism being self-adjustable such that different diameter pole-shaped devices can be placed within the scabbard; and

said carrier including a friction member releasably attached to the rear wall such that when a baton is placed into the scabbard the friction member and baton are in touching relation.

9. (currently amended) The scabbard of claim 8, wherein the friction member is constructed of a smooth rubber.

10. (new) A scabbard as defined in claim 4 wherein said rollers have crowned peripheral surfaces.

11. (new) A scabbard as defined in claim 1 including spring means operatively associated with said carrier for biasing the over-center latching mechanism means into latched relation with the baton.

12. (new) A scabbard as defined in claim 4 including spring means operatively associated with said roller assemblies for biasing the rollers into snap-action engagement with the baton as it is moved laterally into the recess against the stop surface.

13. (new) A scabbard as defined in claim 3 including a generally C-shaped arcuate spring supported by the carrier so as bias the laterally opposed ends of the upper and lower frame portions toward each other in a manner to urge the latching mechanism means into latching relation with a baton inserted laterally into the recess.

14. (new) A scabbard as defined in claim 1 wherein said stop surface is defined by a friction pad or a back wall adjacent a rear of the recess.

15. (new) A scabbard as defined in claim 1 including belt attachment means for releasably supporting the scabbard adjacent a user's waist.

16. (new) A scabbard as defined in claim 15 wherein said belt attachment means includes a wheel shaped molding supported on said carrier, and a belt clip member mutually cooperable with said wheel shaped molding and defining a belt receiving channel.

17. (new) A scabbard as defined in claim 16 wherein said belt clip member includes a locking wheel mutually cooperable with said wheel shaped molding to enable selective rotation of said belt clip member relative to said carrier so as to allow variable angular orientation of a baton supported by the scabbard adjacent the wearer's waist.

18. (new) A scabbard for releasably supporting an elongated member, said scabbard comprising:

a carrier having a generally C-shaped configured to enable an elongated member to be inserted laterally within the recess and engage a back wall of the recess, and;

an over-center latching mechanism disposed within the carrier comprising two sets of roller assemblies, each roller assembly including a pair of spaced rollers rotatable about respective coplanar parallel axes with each roller pair rotatable about a pivot axis parallel to and disposed between the respective roller rotational axes so as to establish laterally opposite pairs of front and rear rollers relative to the recess such that lateral insertion of the elongated member into the recess effects initial engagement with the pair of front rollers and further insertion of the elongated member into the recess effects engagement with the pair of rear rollers and causes the roller sets to effect a snap-action latching of the elongated member against the stop surface.